IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.RAMAKRISHNAN

THURSDAY, THE 29TH DAY OF SEPTEMBER 2016/7TH ASWINA, 1938

CRP.No. 2872 of 2001 (D)

E.P. NO.26/2000 OF MUNSIFF COURT, MANANTHAVADY.

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REVISION PETITIONERS/JUDGMENT DEBTORS IN E.P.26/2001:

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1. **K. BEERAN, S/O. ASSAINAR,**
   AGED 70, THAVINHAL DESOM,
   THINDUMMAL DESOM, P.O., THALAPUZHA.

2. **KAYITHODI HAMZA, S/O. BEERAN,**
   AGED 44 YEARS, THAVINHAL AMSOM,
   THINDUMMAL DESOM, P.O. THALAPUZHA.

BY ADVS.SRI.VARGHESE PREM
SMT.K.C.BEENA (KOORAN)

RESPONDENT/DECREE HOLDER IN E.P.26/2001:

M/S. ASSAM BROOKS LIMITED,
HEAD OFFICE, CALCUTTA,
REPRESENTED BY POWER OF ATTORNEY
HOLDER K. NARAYANAN, S/O. RAMAN NAIR,
AGED 58, THAVINHAL AMSOM.

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 29-09-2016, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

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K.RAMAKRISHNAN, J.

C.M.Appln.No.373 of 2006 and
M.J.C.No.318 of 2006 in
C.R.P. No.2872 of 2001

Dated this the 29th day of September, 2016

ORDER

C.M.Appln.No.373 of 2006

There is no representation for the petitioner. The case was posted in the defect list on 18.08.2016, on that day the petitioner prayed time to cure the defect and one week time was granted to the petitioner to cure the defect and it was mentioned that if steps is not taken, then the petition will stand dismissed for non-prosecution and posted the case to 29.08.2016. On 29.08.2016, the office noted that the process filed is defective, petitioner prayed three days time to cure the defect and wanted only three days time for that purpose and the time was granted and posted the case to 19.09.2016. On that day also the defect was not cured, but there was no representation and posted the case to 23.09.2016. On that day also there was no representation and the defect was not cured and it is posted to today in the defect list again to cure the defect. Even today there is no representation for the petitioner and the defect is not cured. That shows that the petitioner is not interested in prosecuting the petition. So the C.M.Appln.373/2006 is dismissed for non-prosecution.

M.J.C.No.318 of 2006

Consequential for dismissal of C.M.Appln.No.373/2006, M.J.C.318/2006 is also dismissed.

Sd/-
(K. Ramakrishnan, Judge)

//True Copy//

P.A. to Judge

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